



PENNIE & EDMONDS LLP
1155 Avenue of the Americas
New York, NY 10036

COPY MAILED

JAN 30 2001

**OFFICE OF PETITIONS
A/C PATENTS**

In re Application of	:	
Shu-Hsia Chen et al	:	
Application No. 09/735,296	:	DECISION GRANTING
Filed: January 14, 2000	:	PETITION
Attorney Docket No. 6923-084	:	

This is a decision on the petition filed August 1, 2000, requesting that a patent application of Shu-Hsia Chen et al (attorney docket No. 6923-084) be accorded a filing date of January 14, 2000 as an application under 37 CFR 1.53(b).

Petitioners allege that the original application papers were deposited in Express Mail service in accordance with the procedures set forth in 37 CFR 1.10 and that the application is entitled to the date of deposit in Express Mail service as the filing date. In support, petitioners have supplied a copy of the original application papers showing the Express Mail label No. EM061023892US thereon and a copy of Express Mail label No. EM061023892US clearly displaying the January 14, 2000 date applied thereon by the United States Postal Service.

Based on the evidence above, the petition to accord the application a filing date of January 14, 2000 is granted. No petition fee is due, and none has been charged.

The original application papers for the 6923-084 application cannot be located. The petition and the duplicate papers received August 1, 2000, have been placed in a new file wrapper, and assigned application No. 09/735,296.

Applicants should notify this office if the original application papers are subsequently discovered in the Office so that the present duplicate file can be merged with the original papers and any duplicate filing fee refunded.

Since the original application papers cannot be located in the Office, the duplicate papers received August 1, 2000, will be used for examination purposes.

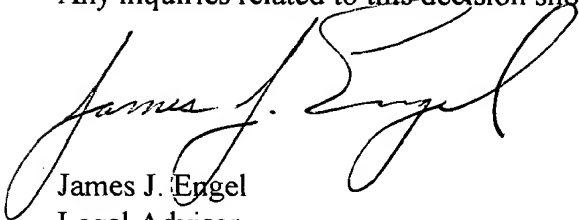
A review of the record reveals that the application still does not include an executed oath or declaration in compliance with 37 CFR 1.63. Therefore, an oath or declaration in compliance with 37 CFR 1.63, identifying the specification to which it is directed (preferably by reference to the above-identified Application Number and filing date) is required. The surcharge under 37 CFR 1.16(e) is also required.

Applicants are given TWO MONTHS from the date of this decision to file the oath or declaration together with the surcharge required above in order to avoid abandonment of the application. This time period may be extended pursuant to 37 CFR 1.136(a). The response should be directed to the attention of Initial Patent Examination Division.

The \$1,562.00 filing fee will be charged to applicant's deposit account No. 16-1150 after mailing of this decision.

The application is being forwarded to Initial Patent Examination Division for further processing with a filing date of January 14, 2000, using the copy of the application papers supplied August 1, 2000, and the oath or declaration filed in response to this decision.

Any inquiries related to this decision should be directed to the undersigned at (703) 308-5106.



James J. Engel
Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy